

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who has remained in restricted immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1972
Ombudsman ID	1002344-O
Date of DIBP's reports	18 March 2016 and 16 September 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

19 March 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Perth Immigration Detention Centre (IDC).
24 April 2014	Transferred to Yongah Hill IDC.

Visa applications/case progression

30 June 2006	Arrived in Australia on a Tourist visa valid until 14 July 2006.
10 July 2006	Lodged a Protection visa application and was granted a Bridging visa.
4 October 2006	Protection visa application refused. Following an appeal, the Refugee Review Tribunal (RRT) affirmed the original decision.
16 February 2007	Found not to meet the guidelines for referral to the former Minister under s 417.
22 March 2007	Mr X's Bridging visa ceased and he remained in the community as an unlawful non-citizen.
3 July 2013	Mr X's case was affected by the Full Federal Court (FFC) decision ¹ which found that s 48A does not prevent a person from making a another Protection visa application on complementary protection grounds when their first application was refused before the commencement of the complementary protection provisions on 24 March 2012.
19 March 2014	Detained under s 189(1).
11 April 2014	Lodged a Protection visa application with an associated Bridging visa application.
17 April 2014	Associated Bridging visa application refused.
30 May 2014	Protection visa application refused.

¹ SZGIZ v Minister for Immigration and Citizenship [2013] FCAFC 71.

12 June 2014	Appealed to the RRT. The RRT affirmed the original decision on 10 October 2014.
10 November 2014	Requested judicial review by the Federal Circuit Court (FCC).
16 August 2016	The FCC dismissed the judicial review application.
6 September 2016	Appealed to the Full Federal Court.

Health and welfare

International Health and Medical Services advised that Mr X was prescribed with medication for insomnia and is regularly reviewed by the mental health team.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.